



House of Representatives

General Assembly

File No. 477

January Session, 2003

Substitute House Bill No. 5931

House of Representatives, April 22, 2003

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATION OF CARTRIDGE INJECTORS TO TREAT ALLERGIC REACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) For purposes of this
2 section:

3 (1) "Cartridge injector" means an automatic prefilled cartridge
4 injector or similar automatic injectable equipment used to deliver
5 epinephrine in a standard dose for emergency first aid response to
6 allergic reactions; and

7 (2) "School paraprofessional" means a person employed by a local or
8 regional board of education to work directly with children under the
9 direct supervision of a certified professional employee of such board of
10 education.

11 (b) Notwithstanding the provisions of section 10-212a of the general
12 statutes, a school nurse licensed pursuant to the provisions of chapter

13 378 of the general statutes, the principal, any teacher, school
14 paraprofessional or coach of intramural and interscholastic athletics of
15 a school may use a cartridge injector in the school, on school grounds,
16 on a school bus or an any school-sponsored trip on any student at such
17 school pursuant to the written order of a physician licensed to practice
18 medicine, or an advanced practice registered nurse licensed to
19 prescribe in accordance with section 20-94a of the general statutes, or a
20 physician assistant licensed to prescribe in accordance with section 20-
21 12d of the general statutes, and the written authorization of a parent or
22 guardian of such child. The use of a cartridge injector by a principal,
23 teacher, school paraprofessional or coach shall be under the general
24 supervision of a school nurse. No such school nurse, principal, teacher,
25 school paraprofessional or coach shall be liable to such student or a
26 parent or guardian of such student for civil damages for any personal
27 injuries which result from acts or omissions of such school nurse,
28 principal, teacher, school paraprofessional or coach in using a cartridge
29 injector which may constitute ordinary negligence. This immunity
30 shall not apply to acts or omissions constituting gross, wilful or
31 wanton negligence.

32 (c) No local or regional board of education shall deny a student
33 access to school transportation solely due to such student's need to
34 carry a cartridge injector while traveling on a vehicle used for school
35 transportation.

This act shall take effect as follows:	
Section 1	October 1, 2003

Statement of Legislative Commissioners:

In subsection (b), the phrase "licensed pursuant to the provisions of chapter 378 of the general statutes" was moved from the second sentence to the first to clarify its applicability to the school nurse.

PH *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5931

AN ACT CONCERNING THE ADMINISTRATION OF CARTRIDGE INJECTORS TO TREAT ALLERGIC REACTIONS**SUMMARY:**

This bill allows a school paraprofessional to administer epinephrine in automatic, prefilled cartridge injectors (commonly called "EpiPens") if a parent or guardian authorizes this in writing, the student has a prescription for the medication, and the paraprofessional administers it under the general supervision of the school nurse. It applies to school grounds, school buses, and school trips.

The bill immunizes paraprofessionals in most cases from civil liability that may arise from their administering or not administering the injection. It gives similar permission and immunity to school nurses, principals, teachers, and coaches. Current law already authorizes these school staff to administer prescription and other medications under such conditions and provides similar immunity, but it does not specifically apply to school buses and school trips.

The bill also prohibits school boards from denying a student access to school transportation solely because he needs to carry an automatic, cartridge injector prefilled with epinephrine.

EFFECTIVE DATE: October 1, 2003

MEDICATION ADMINISTRATION BY PARAPROFESSIONALS

The bill allows school paraprofessionals to administer epinephrine in automatic, prefilled cartridge injectors as a first aid response to allergic reactions. It defines a paraprofessional as a school board employee who works directly with children under the direct supervision of a certified professional board employee. The paraprofessional can administer the medication in the school, on school grounds or a school bus, or during a school-sponsored trip.

The paraprofessional can administer the medication to any student of the school who has a prescription for it and whose parent or guardian

has given written authorization. The paraprofessional must administer the medication under the general supervision of the school nurse.

The bill gives paraprofessionals immunity from civil liability for personal damages that a student, parent, or guardian claims as a result of a paraprofessional administering the medication or not administering it if these acts or omissions constitute ordinary negligence. The paraprofessional is liable for damages that arise from gross, willful, or wanton negligence.

BACKGROUND

Regulations Governing Administration of Medication in Schools

Department of Public Health regulations give school boards discretion in deciding whether and how medications may be administered in their schools. If they choose to allow medication administration, the regulations require them to adopt written policies and procedures governing who may administer them. The regulations specify how nurses must supervise other staff authorized to administer medication, what training these staff must receive, how medications must be stored, and how records must be kept.

Currently, if a school nurse is not available, the regulations permit a principal or teacher to administer injectable medications only to a student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death (Conn. Agency Regs., § 10-212a-1 to -7).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 21 Nay 0